DOCUMENT RESUME

ED 402 646 EA 028 080

TITLE	Office for Civil Rights: Ensuring Equal Access to Quality Education.
INSTITUTION	Office for Civil Rights (ED), Washington, DC.
PUB DATE	96
NOTE	13p.
PUB TYPE	Reports - Descriptive (141)
EDRS PRICE	MF01/PC01 Plus Postage.
DESCRIPTORS	Age Discrimination; *Civil Rights; *Civil Rights Legislation; *Compliance (Legal); Disabilities; Elementary Secondary Education; *Equal Education; *Federal Legislation; Higher Education; Public Agencies; Racial Discrimination; Sex Discrimination; Social Discrimination
IDENTIFIERS	*Office for Civil Rights

ABSTRACT

The Office for Civil Rights (OCR), in the U.S. Department of Education, is a law enforcement agency. It is charged with enforcing the federal civil rights laws that prohibit discrimination on the basis of race, color, national origin, sex, disability, and age in programs and activities that receive federal financial assistance. These laws are as follows: (1) Title VI of the Civil Rights Act of 1964 (prohibiting race, color, and national origin discrimination); (2) Title IX of the Education Amendments of 1972 (prohibiting sex discrimination); (3) Section 504 of the Rehabilitation Act of 1973 (prohibiting disability discrimination); (4) Age Discrimination Act of 1975 (prohibiting age discrimination); and (5) Title II of the Americans with Disabilities Act of 1990 (prohibiting disability discrimination by public entities, whether or not they receive federal assistance). This brochure briefly describes the application of the laws to educational institutions, students, and employees; the conditions under which the OCR receives discrimination complaints by the public; how the OCR resolves complaints and carries out compliance reviews; the availability of OCR technical assistance; the impact of the civil-rights laws; and the civil rights challenges ahead. (LMI)

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Office for Civil Rights

Ensuring Equal Access to Quality Education

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Office of Educational Research and Improvement
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Responsibilities of the Office for Civil Rights

The Office for Civil Rights (OCR), in the U.S. Department of Education, is a law enforcement agency. It is charged with enforcing the federal civil rights laws that prohibit discrimination on the basis of race, color, national origin, sex, disability, and age in programs and activities that receive federal financial assistance. These laws are as follows:

- Title VI of the Civil Rights Act of 1964 (prohibiting race, color, and national origin discrimination)
- Title IX of the Education Amendments of 1972 (prohibiting sex discrimination)
- Section 504 of the Rehabilitation Act of 1973 (prohibiting disability discrimination)
- Age Discrimination Act of 1975 (prohibiting age discrimination)
- Title II of the Americans with Disabilities Act of 1990 (prohibiting disability discrimination by public entities, including public school districts, public colleges and universities, public vocational schools,

and public libraries, whether or not they receive Federal financial assistance)

The civil rights laws represent a national commitment to end discrimination in educational programs. The laws also work toward promoting the Department's mission -- ensuring equal access to education and promoting educational excellence throughout the nation.

Most of OCR's activities take place in OCR enforcement offices around the country. In Washington, D.C., the Office of the Assistant Secretary for Civil Rights provides overall leadership and coordination.

The Laws Apply to Educational Institutions

The civil rights laws extend to most educational institutions in the nation. This is because most of them receive some type of federal financial assistance. This means that the civil rights laws cover:

- almost 15,000 school districts
- more than 3,600 colleges and universities
- about 10,000 proprietary organizations
- thousands of libraries, museums, vocational

rehabilitation agencies, and correctional facilities

The Laws Apply to Students and Employees

The civil rights laws protect large numbers of students attending, or applying to attend, our educational institutions. The laws protect:

- about 51.7 million students attending elementary and secondary schools
- about 14.4 million students attending our colleges and universities

The laws also protect, in certain situations, persons who are employed, or seeking employment, at educational institutions.

OCR Receives Discrimination Complaints from the Public

One important way OCR carries out its responsibilities is by resolving complaints filed by the public. The person or organization filing the complaint need not be a victim of the alleged discrimination but may complain on behalf of another person or group. Generally, OCR will take action only with respect to those complaints that have been filed within 180 calendar days of the last act of alleged discrimination, or where the complaint alleges a continuing discriminatory policy or practice.

OCR receives approximately 5,000 complaints each year. The complaints OCR receives involve some of the most important issues affecting equal access to quality education.

Under Title VI -- race and national origin discrimination -- complaints include such issues as:

- ability grouping
- disciplinary practices
- student assignment policies
- interdistrict student transfers
- school desegregation
- racial harassment
- student housing on college campuses
- academic grading

Under Title IX -- sex discrimination -- complaints include such issues as:

- equal opportunity in interscholastic or intercollegiate athletics
- treatment of students who are pregnant
- admission to postsecondary institutions
- sexual harassment

- administration of student health insurance plans

Under Section 504 and Title II -- disability discrimination -- complaints include such issues as:

- accessibility of school facilities and programs
- special education
- evaluation and placement of students who may need special education services
- teaching students in the least restrictive environment
- suspension and expulsion of students with disabilities
- academic adjustments and modifications
- auxiliary aids for students with impaired sensory, manual, or speaking skills

How OCR Resolves Complaints

OCR's primary objective in complaint resolution is to resolve the complainant's allegations of discrimination promptly and appropriately. OCR has a variety of tools for resolving complaints. These include early complaint resolution, agreements for corrective action, and

enforcement. Any approach, or combination of approaches, may be initiated at any time and multiple approaches may be used to resolve any complaint. This flexible approach allows OCR to:

- provide timely and effective intervention at the beginning of the complaint process
- focus on achieving effective change
- make students, parents, and school officials central to the resolution of their own complaints

OCR Carries Out Compliance Reviews

Not all illegal discrimination can be stopped or remedied by responding to complaints that arrive from the public. Agency-initiated cases, typically called "compliance reviews," permit OCR to target resources on compliance problems that appear particularly acute, or national in scope, or which are newly emerging.

Targeted compliance reviews maximize the impact of OCR's resources and balance the enforcement program. Compliance reviews assure that vulnerable groups, such as the very poor or non-English speaking individuals, who may be less aware of the laws, have their civil rights protected. OCR's experience also shows that careful targeting of compliance

reviews nearly always results in recipients making policy or program changes that benefit large numbers of students -- unlike complaints where remedies may benefit only the complaining party.

Selection of reviews is based on various sources of information, including survey data and information provided by complainants, education groups, media, and the public. OCR conducts compliance reviews on such issues as:

- minority students in special education and low track courses
- access to programs for limited-English proficient students
- fair student assessment practices
- access to gifted and talented programs
- illegal exclusion of minority students from high ability/high level classes

OCR recognizes that federal, state, and local education agencies, as well as parents and other interested parties, share a common goal of providing equal opportunity and access to high quality education. OCR combines its expertise with these partners and stakeholders to come up with effective solutions, including educationally sound remedies that increase educational opportunities for all students.

OCR's Technical Assistance Helps People and Institutions

The aim of OCR's technical assistance efforts is to prevent violations of the civil rights laws. This is accomplished by helping recipients comply with the laws and helping beneficiaries understand their rights. In view of the millions of students protected by the civil rights laws, OCR recognizes that its efforts alone are insufficient to stop illegal discrimination in education. Students, parents, and educators must have the knowledge and skills to prevent illegal discrimination from occurring in the first place.

OCR provides assistance to enable institutions to come into compliance during the complaint resolution process or during a compliance review. In addition, OCR also conducts a broad program of proactive technical assistance outreach through such activities as onsite consultations, conference participation, training classes, workshops and meetings, as well as through written information and tens of thousands of telephone conversations annually. OCR continually compiles strategies and programs that hold promise in addressing civil rights concerns. Also, many OCR offices have developed customer service teams to be more responsive to our partners and stakeholders and members of the public. OCR has established a home page, which also is linked to the

Department's world wide web site at http://www.ed.gov.

Impact of the Civil Rights Laws

Enforcement of the federal civil rights laws have helped bring about profound changes in American education and improved the educational opportunities of millions of students. Many barriers that once prevented individuals from freely choosing the educational opportunities and careers they would like to pursue have been brought down. For example, we are witnessing a growing participation of minority students in Advanced Placement (AP) classes. Many school systems are now making it possible for students who are not proficient in English to participate effectively in their educational programs. Many more students with disabilities are now able, with the provision of supplementary aids and services, to participate in regular education classes. Female and male students are taking algebra, geometry, calculus, biology, and chemistry in about the same proportion. There also has been a dramatic increase in the number of women entering traditionally male-dominated professional fields.

The civil rights laws have opened the doors to our schools and classrooms, our auditoriums, athletic fields, and arenas. In response, people from the many diverse backgrounds that represent today's America are coming through the doors, on the way

to becoming our future leaders in business, government, science, arts, and education.

Challenges Ahead

While we recognize the progress brought about by enforcement of the civil rights laws, there are still persons in the nation illegally denied full educational opportunity. There are still policies and practices that deny challenging courses and programs to persons with disabilities, to females, to older Americans, and to racial and language minorities. A commitment to the goals of the civil rights compliance program -- equal access, educational excellence, and high standards for **all** students -- is an investment that must be made if we are to secure America's future.

Contacting OCR

If you would like more information about the laws enforced by the Office for Civil Rights, how to file a complaint, or how to obtain technical assistance, you may want to contact the enforcement office that serves your state or territory. The addresses and telephone numbers of the enforcement offices are listed on the enclosed insert.

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